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SUMMARY RECORD OF THE 20th MEETING

Chairman: Mr. KALPAGE (Sri Lanka)

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AGENDA ITEM 86: REPORT OF THE SPECIAL COMMITTEE TO INVESTIGATE ISRAELI PRACTICES AFFECTING THE HUMAN RIGHTS OF THE PALESTINIAN PEOPLE AND OTHER ARABS OF THE OCCUPIED TERRITORIES

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The meeting was called to order at 10.20 a.m.

AGENDA ITEM 86: REPORT OF THE SPECIAL COMMITTEE TO INVESTIGATE ISRAELI PRACTICES AFFECTING THE HUMAN RIGHTS OF THE PALESTINIAN PEOPLE AND OTHER ARABS OF THE OCCUPIED TERRITORIES (A/48/96, A/48/117-S/25428, A/48/140-S/25597, A/48/205-S/25923, A/48/209-S/25937, A/48/140-S/25597, A/48/253-S/26045, A/48/263-S/26078, A/48/278, A/48/284-S/26191, A/48/287-S/26201, A/48/379-S/26411, A/48/410-S/26465, A/48/415-S/26473, A/48/537, A/48/543 and A/48/557)

1. Mr. KALPAGE (Sri Lanka), speaking as Chairman of the Special Committee to Investigate Israeli Practices affecting the human rights of the Palestinian people and other Arabs of the occupied territories, said that the signing on 13 September 1993 of the Declaration of Principles on Interim Self-Government Arrangements by Israel and the Palestine Liberation Organization heralded a genuine new era of peace and understanding in the region. That historic agreement was of course only a first step in the process of the restitution of all the occupied territories. Since the outset of its activities, the Special Committee had stressed that occupation in itself constituted a violation of human rights and that the fundamental rules contained in the Geneva Convention relative to the Protection of Civilian Persons in Time of War had not been respected.

2. In preparing its reports, the Special Committee had done its best to carry out the mandate given it by the General Assembly and had continued to rely on the fundamental international legal instruments. It had sought to reflect faithfully the situation with regard to the enjoyment of human rights in the occupied territories and had based its reports on written and oral information from various sources. Since the Government of Israel had continued to withhold its cooperation, the main sources of information had again been reports appearing in the Israeli press, in the Arab press published in the occupied territories, various other media and material received from organizations and individuals.

3. The information and evidence contained in the report referred to the general situation affecting the human rights of Palestinians and other Arabs of the occupied territories, including incidents linked to the uprising of the population against the occupation. Other parts concerned the administration of justice, the treatment of civilians, including measures such as expulsions and the practice of collective punishment in the form of the imposition of curfews and demolition of houses as well as the harassment and physical ill-treatment of the population. The report also referred to measures which affected the enjoyment of fundamental rights and freedoms, such as that of movement, religion and expression as well as the right to education. It also contained information on how settlers' activities affected the civilian population, on the treatment of detainees and on the issue of land annexation and settlements. Annex I to the report contained a map of Israeli settlements which had been reported to the Special Committee. The report also contained information on the situation of human rights in the occupied Syrian Arab Golan.

(Mr. Kalpage, Sri Lanka)

4. It was the hope of the Special Committee that the new era of understanding which had begun in September 1993 would be characterized by a dramatic change of attitude on the part of the Israeli authorities leading to a truly meaningful improvement with regard to human rights. There were areas in which changes must be made without delay. The administration of justice had been a continued source of concern since it had been characterized in many respects by an absence of due process of law and legal safeguards for the Arab population of the occupied territories. The severity of sentences imposed on Palestinians and other Arabs had often been disproportionate to the gravity of the offence and had contrasted sharply with those imposed on Israelis. The Special Committee welcomed the process of release of prisoners which had begun in September 1992.

5. Measures of collective punishment implemented by the Israeli authorities, such as the demolition of houses and the imposition of curfews, had been one of the Special Committee's lasting concerns. Particularly harsh methods of house demolition had been used by the Israeli authorities, affecting entire blocks of apartments and involving the use of heavy artillery fire, anti-tank missiles and helicopters.

6. The Special Committee had also expressed its concern regarding deportations of persons on grounds of security in violation of the Fourth Geneva Convention. On 17 December 1992, the Israeli authorities had carried out an unprecedented deportation of more than 400 residents of the occupied territories to the so-called security zone in southern Lebanon. The Special Committee welcomed the recent positive developments concerning the return of the deportees in stages, which had taken place after the finalization of its report to the General Assembly.

7. The Special Committee had received no evidence that new settlements had been established. However, it had been reported that the already existing settlements had been extended and the policy of land confiscation had been pursued. The dumping of wastes and diversion of water resources had led to the creation of ecological imbalances. In the light of the new situation the issue of settlements should be the subject of particularly careful consideration by all concerned.

8. In that connection, the Special Committee was particularly concerned over recent attacks by Arabs opposed to the September accord against Israeli settlers in the occupied territories, which had resulted in retaliatory violence on the part of the settlers. Both the Palestinian and Israeli authorities would have to give that problem priority attention since it represented a serious threat to the peace process. The escalation of violence during the period covered had prompted the Israeli authorities to impose a complete closure of the occupied territories on 31 March 1993. That measure had entailed particularly harsh economic effects, depriving some 120,000 persons who had worked in Israel of their means of livelihood. It had also had a negative bearing on the health situation and restricted the enjoyment of a number of fundamental rights and freedoms of the inhabitants of the occupied territories. The Special Committee hoped that the practical implementation of the September agreement, which envisaged the creation of a Palestinian Interim Self-Government Authority - the

(Mr. Kalpage, Sri Lanka)

Elected Council - one of whose objectives would be to promote economic growth and to establish a number of governing bodies, would bring about a change in the closure policy.

9. The Special Committee had been following the situation in the occupied territories for 25 years. During that period, it had benefited from the cooperation of the Governments of the Arab Republic of Egypt, the Hashemite Kingdom of Jordan and the Syrian Arab Republic and of the Palestinian representatives. However, it had not received the cooperation of the Government of Israel and that had seriously curtailed the ability of the Special Committee to play a role other than documenting human rights violations.

10. He expressed the hope that the Declaration of Principles signed in September would soon be translated into reality and make possible the full enjoyment of human rights by the entire population of the occupied territories.

11. Ms. ABDELKADI (Observer for Palestine) said that the situation with regard to the human rights of the Palestinian people in the occupied Palestinian territory, including Jerusalem, was in no way better than in previous years. The occupation itself constituted the gravest violation of the human rights of the Palestinian people and that state of military occupation gave rise to other violations.

12. With regard to incidents linked to the intifadah, the fatality figures recorded during the reporting period in the occupied territory included the highest figures since the beginning of the intifadah. Indiscriminate shooting of Palestinian civilians by Israeli troops had led to a sharp rise in the number of victims, including children killed. Further, many Palestinians had been killed by undercover Israeli military units being used as "death squads". That policy had led to the deaths of 80 Palestinians from the West Bank, including 8 children, and 120 civilians from Gaza, including 28 children.

13. In the field of the administration of justice, the occupying Power was continuing the practice of mass arrests and detainment of Palestinians without charge or trial. The systematic torture and ill-treatment of Palestinians in prisons and during interrogation persisted. In several incidents, that had resulted in the death of the detainees.

14. The harassment and ill-treatment of Palestinians by Israeli troops and military authorities had intensified, as indicated in the reports of the Special Committee. Such harsh treatment of civilians involved beatings and the use of tear gas, as well as collective punishment of the Palestinian people by means of the sealing or demolition of homes, the imposition of curfews, the sealing off of entire areas and mass deportation.

15. During the reporting period, there had also been an increase in violations affecting certain fundamental freedoms of the Palestinian people. The Israeli authorities were impeding the freedom of education by frequently closing schools, universities and other educational and vocational institutions, placing restrictions on school curricula and programmes, and engaging in other forms of

(Ms. Abdelkadi, Observer, Palestine)

harassment against academic institutions. The Palestinian people's freedom of expression was being restricted by Israeli bans on political parties and gatherings, cultural events and so forth. That applied also to freedom of worship.

16. Israeli settlement building and expansion in the occupied territory was continuing, and was seriously affecting the human rights of the Palestinian people. That practice, in addition to all the other measures and practices carried out by the Israeli authorities in the occupied territory, was the reason for the desperate situation of the Palestinian economic and social infrastructure.

17. The signing of the Declaration of Principles on Interim Self-Government Arrangements between the Palestine Liberation Organization and the Government of Israel represented a very important step towards the achievement of peace and the improvement of the human rights situation and of the overall situation of the Palestinian people in the occupied territory as a whole. However, that should not absolve Israel of its responsibility for actions taken in the past in violation of international law and Palestinian human rights. In order to achieve a just and lasting peace, a mechanism of redress for past Israeli violations of the human rights of the Palestinian people should be found.

18. It was high time for the Israeli Government to accept the de jure applicability of the fourth Geneva Convention to all of the occupied Palestinian territory, including Jerusalem, and to declare its readiness to scrupulously abide by the provisions of that Convention. The Israeli authorities should also take immediate measures for a complete lifting of the siege of Jerusalem. The release of all the Palestinian prisoners was another very important issue which was also of priority importance for the Palestinian side in the current Palestinian-Israeli negotiations. It should not be forgotten that those prisoners were exercising their right, under international law, to resist occupation.

19. At the current time, the main threat to the peace process derived from the Israeli settlers, who had been illegally brought into the occupied territory and armed by the Israeli Government in violation of the fourth Geneva Convention and numerous Security Council resolutions. The policy of the Palestine Liberation Organization was to refrain from violent methods, and the occupying Power should therefore find a quick and viable solution for the problem of the Israeli settlers in the occupied territory. Another important development was the change in the Israeli attitude towards the Special Committee. A qualitative improvement in the living conditions and human rights situation of the Palestinian people would provide the necessary stimulus for continued advancement towards the successful implementation of the agreement and the achievement of just and lasting peace. His delegation was prepared to work with all Member States which wanted to improve the traditional resolutions adopted by the General Assembly on the item with the aim of making them more responsive to the new situation, without undermining the fundamental principles.

20. Mrs. ZIKMUNDOVA (Belgium), speaking on behalf of the European Community and its member States, said that the signing of the Israeli/Palestinian agreement on 13 September in Washington opened the way to the settlement of all the problems which, for many years, had adversely affected the living conditions of the Palestinians and other Arabs in the occupied territories. She expressed the hope that human rights violations and violence would now be brought to an end.

21. The time had come for the Israelis and the Palestinians, who for decades had lived in conditions of confrontation and conflict, to make the first steps towards peaceful coexistence, thanks to the bold and wise decisions of their leaders. The European Community fully supported the recent Israeli/Palestinian agreement and intended to take part in international activity for its implementation.

22. The measures envisaged in that agreement - the withdrawal of Israeli armed forces, the establishment of a Palestinian police force and the transfer of authority from the military and civilian Israeli administration to the Palestinians - would make it possible in the forthcoming months to decisively change the living conditions of the population of the West Bank and Gaza Strip and facilitate the early establishment of the Palestinian Interim Self-Government Authority. Other positive factors which favoured the peace process, in particular, the repatriation of deportees and the release of prisoners, should not be overlooked. Those confidence-building measures were vitally important for the maintenance of the peace process, which must be further developed at all costs, since there was no alternative to a political settlement achieved through negotiations. For that reason, the European Community called upon Israel to go even further in that direction.

23. The European Community attached particular importance to the early provision of economic assistance to meet the most immediate needs of the population. Like the rest of the international community of donors, the European Community was doing everything possible to achieve that goal. She reaffirmed the support of the European Community and its member States for a just, lasting and comprehensive settlement of the Israeli-Arab conflict as a whole and of the question of Palestine in particular on the basis of Security Council resolutions 242 (1967) of 22 November 1967 and 338 (1973) of 22 October 1973. All parties must comply with the terms set forth in those resolutions for a settlement, which should be achieved on the basis of free negotiations and the agreement of all sides. The European Community was resolved to play an active, constructive and balanced role in the peace process. It was to be hoped that substantial progress would be achieved also in other bilateral and multilateral negotiations on the problems of future cooperation. That long-awaited success would strengthen the atmosphere of trust necessary for a radical improvement in the daily living conditions of the Palestinians and other Arabs in the occupied territories.

24. Mr. AL-KHATER (Qatar), commending the Committee's work on the item under discussion, on the basis of the relevant resolutions of the General Assembly, said that there were already signs of the successful fulfilment by the Committee of its mandate, which was to protect the rights of the Palestinian people and restore their sovereignty over their own territory. Israel had not been able to

(Mr. Al-Khater, Qatar)

crush the will of the Palestinian people and undermine their desire for sovereignty and the realization of their inalienable rights. Israel had been forced to recognize the right of the Palestinians to their own territory, and also to recognize the Palestine Liberation Organization as the sole legitimate representative of the Palestinian people.

25. The Committee had made a substantial contribution to the attainment of that goal. It was not only monitoring Israel's actions in the occupied territories and preparing the relevant documents, but also following the human rights situation in the territories, taking steps to mobilize world public opinion in support of the Palestinian people and participating in international conferences and meetings devoted to the Palestinian problem. In that respect, priority attention was being paid to the question of establishing a just and lasting peace in the Middle East on the basis of internationally recognized principles and the relevant resolutions of the United Nations. In that connection, Qatar welcomed the Declaration of Principles on Interim Self-Government Arrangements signed at Washington. The fact that the Government of Israel and the Palestine Liberation Organization had recognized each other was a truly historic step on the road towards the achievement of just and lasting peace. At the same time, however, the difficult problem of building trust between the parties concerned must be resolved.

The meeting rose at 11.15 a.m.